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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
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10 PHOENIX TECHNOLOGIES, LTD., a
11 Delaware corporation,

12 Plaintiff,

13 v.

14 DEVICEVM, Inc., a Delaware corporation,
15 and BENEDICT CHONG, an individual,

16 Defendants.
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Case No. 4:09-cv-04697-CW (EDL)

**[PROPOSED] ORDER REGARDING
DEFENDANTS' MOTION FOR
PROTECTIVE ORDER BASED ON CAL.
CIV. PROC. CODE § 2019.210**

Complaint filed: July 17, 2009
Trial Date: None Set

1 Defendants DeviceVM, Inc. and Benedict Chong's Motion for Protective Order Based on
2 California Civil Procedure Code § 2019.210 (the "Motion for Protective Order") came on for
3 hearing on February 16, 2010 at 9:00 a.m. before the Honorable Elizabeth D. Laporte, in the
4 above-captioned Court. The Court having considered the papers submitted in support of and
5 opposition to the motion, the record in this matter, oral argument by the parties, and for the
6 reasons stated at the hearing on the Motion for Protective Order:

7 **IT IS HEREBY ORDERED:**

- 8 1. Phoenix shall file an expert declaration in support of its Opposition to Defendants'
9 Motion for Protective Order by no later than February 26, 2010;
- 10 2. Defendants shall file any objection to Phoenix's expert declaration by no later than
11 March 3, 2010; based solely on the credibility of the expert, not on the
12 substance of the expert's opinion
- 13 3. After the Court has considered Phoenix's expert declaration and Defendants'
14 objections, if any, to the expert declaration, in conjunction with the other papers
15 submitted in support of and opposition to the motion, the record in this matter, and
16 the parties' oral argument on February 16, 2010, the Court shall enter its order on
the Motion for Protective Order; and
- 17 4. If the Motion for Protective Order is denied, Defendants shall begin a rolling
18 production of documents in response to Phoenix's pending requests for the
19 production of documents, subject to Defendants' objections and any agreements by
20 the parties concerning the requests, by no later than 14 days after the Court enters
21 its order denying the Motion for Protective Order.

22 Dated: February 18, 2010

23 By: *Elizabeth D. Laporte*
24 The Honorable Elizabeth D. Laporte
United States Magistrate Judge

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